**IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**

**Criminal Misc –M 25579 of 2007**

Date of decision: 20.7.2007

Inderjit Singh …Petitioner

Versus

State of Haryana …Respondent

Present: Mr Surender Dhull, Advocate, for the petitioner.
Mr Vikas Chaudhary, AAG Haryana.

**S.S.SARON, J.**

Heard counsel for the parties.

The petitioner seeks regular bail pending trial for the offences under Sections 452 and 376(g) IPC. The FIR has been registered on the statement of the prosecutrix aged 15/16 years. On the day of the occurrence i.e. 14.7.2006 at about 1.00 p.m. when the prosecutrix was lying by herself, the accused – Rajinder and Inderjit (petitioner) came to her house. One Raju was also behind them. The petitioner caught hold of the hand of the prosecutrix and she went to the inner room due to fear. The petitioner and Rajinder also came in the said room. The prosecutrix then cried and the petitioner put his one hand on her mouth and caught hold of her from the other hand. Then Rajinder (non-petitioner) committed rape on her. The petitioner is in custody since the last more than one year. The statement of the prosecutrix was recorded by the learned trial Court on 11.12.2006 (Annexure P1) in which it is stated that she could not identify the rapists. She was declared hostile and cross-examined. The statement of Rameshwar, the father of the prosecutrix, was also recorded on 11.12.2006 (Annexure P2) and he also did not support the

prosecution version and was declared hostile and cross-examined by the Public Prosecutor. The effect of the statement of the prosecutrix and Rameshwar, the father of the prosecutrix are to be gone into by the trial Court. The allegations of rape are attributed to the co-accused of the petitioner namely Rajinder (non-petitioner). Learned counsel for the petitioner has submitted that said Rajinder has been released on bail being a juvenile. Learned counsel for the petitioner has also submitted the FSL report dated 7.2.2007 to contend that as per the said report, semen could not be detected on any of the exhibits mentioned in the report. The prosecution has examined seven witnesses out of those that have been cited. Therefore, the trial in the case is likely to take time and the petitioner is already in custody for the last one year.

In the afore noticed circumstances, the petitioner, on his furnishing personal bond and surety in the like amount to the satisfaction of the learned CJM, Kaithal, shall be admitted to bail.

20.7.2007. ( S.S.SARON )
ASR JUDGE